

PATENT
Docket No. 262.PC2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

22388 U.S. PTO
10/678454



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): William E. Delaney and Xiaofeng Xiong

For (title): HBV Mutations Associated with Reduced Susceptibility to Adefovir

1. Type of Application

This new application is for a(n) (*check one applicable item below*):

Original

Design

Divisional

Continuation

Continuation-in-part (CIP)

2. Benefit of Prior Application(s)

Any prior applications are hereby incorporated by reference into the patent application filed herewith.

A. Relate Back

Amend the specification by inserting, before the first line, the following sentence(s):

(1) 35 U.S.C. 119(e)

"This application claims the benefit of U.S. Provisional Application(s) No(s).
60/415,018 filed October 1, 2002

(2)(a) 35 U.S.C. 120, 121 and 365(c)

"This application is a
 continuation
 continuation-in-part
 divisional

of copending application(s)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this "New Application Transmittal" and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date October 1, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL939648657US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Vicki Collins

(Type or print name of person mailing paper)

(Signature of person mailing paper)

application number U.S.S.N. _____ filed _____

(2)(b) "Application number _____ filed _____ claims the benefit of U.S. Provisional Application No. _____."

B. Relate Back--35 U.S.C. 119 Priority Claim

This or a prior U.S. application(s), identified above in Item 2a, claim(s) foreign priority(ies) as follows:

Country	Appl. No.	Filed on
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C. Maintenance of Copending of Prior Application

- Extension of time and/or response in the copending prior application extended the time for response until _____.
- A copy of the petition filed in the copending prior application is attached.
- A Conditional Petition for Extension of Time was filed in the copending prior application.

D. Abandonment of Prior Application

- Please abandon the prior application at a time (1) while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and (2) when this application is granted a filing date, whereby this application is copending with said prior application.

E. Notification in Parent Application of This Filing

- A notification of the filing of this
 - continuation
 - continuation-in-part
 - divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

**3. Papers Enclosed Which Are Required for Filing Date Under 37 CFR 1.53
(b) (Regular) or 37 CFR 1.153 (Design) Application**

29	Pages of specification
5	Pages of claims
1	Pages of Abstract
3	Sheets of drawing
<input checked="" type="checkbox"/>	formal
<input type="checkbox"/>	informal

4. Declaration or Oath

Enclosed
 executed by (*check all applicable boxes*)
 inventor(s).
 legal representative of inventor(s). 37 CFR 1.42 or 1.43
 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 14 below for fee.

Not enclosed.
 Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all the above named inventor(s)*.
 Showing that the filing is authorized.

5. Inventorship Statement

The inventorship for all the claims in this application are:

The same
 Are not the same.

6. Language

English
 non-English
 the attached translation is a verified translation. 37 CFR 1.52 (d).

7. Assignment

An assignment of the invention to:
GILEAD SCIENCES, INC.

 is attached.
 A separate "RECORDATION FORM COVER SHEET" is also attached.
 A separate FORM PTO 1906 is also attached.
 will follow.

8. Certified Copy

Certified copy(ies) of application(s)

(country)

(application no.)

(filed)

from which priority is claimed

is(are) attached.
 will follow.

9. Amendments

There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File An Amendment

Cancel in this application original claims - _____ before calculating the filing fee.

Claims added by preliminary amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application. Fees for claims, if any, added by way of the preliminary amendment have been included in the calculation below.

10. Additional Papers Enclosed

Preliminary Amendment
 Information Disclosure Statement (37 CFR 1.98)
 Form PTO-1449
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative
 Other _____

11. Fee Calculation (37 CFR 1.16)

A. Utility application

CLAIMS AS FILED						
	Number filed		Number Extra		Rate	Basic Fee 37 CFR 1.16 (a) \$770.00
Total Claims (37 CFR 1.16 (c))	50	- 20 =	30	X	\$18.00	540.00
Independent Claims (37 CFR 1.16 (b))	20	- 3 =	17	X	\$86.00	1,462.00
Multiple dependent claim(s), if any (37 CFR 1.16 (d))				X	\$290.00	

Amendment cancelling extra claims enclosed.
 Amendment deleting multiple-dependencies enclosed.
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 2,772.00

B. Design application

(\$330.00---37 CFR 1.16 (f))

Filing Fee Calculation \$

12. Small Entity Statement(s)

Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A or B above)

Applicant has established small entity status by the filing of a statement in parent application _____ on _____.
 A copy of the statement previously filed is included.

13. Request for International-Type Search (37 CFR 1.104 (d))

Please prepare an international-type search report for this application at the time when national examination on the merits take place.

14. Fee Payment Being Made At This Time

Not Enclosed
 No filing fee is to be paid at this time.
 Enclosed
 basic filing fee \$ 2,772.00
 recording assignment (\$40.00; 37 CFR 1.21 (h))

- petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17 (h))
- for processing an application with a specification in a non-English language. (\$130.00; 37 CFR 1.52(d) and 1.17 (k))
- processing and retention fee (\$130.00; 37 CFR 1.53 (d) and 1.21 (l))
- fee for international-type search report (\$40.00; 37 CFR 1.21 (e)).

Total fees enclosed

\$ 2,772.00

15. Method of Payment of Fees

- Check in the amount of
- Charge Account No. 07-1250 in the amount of
A duplicate of this transmittal is attached.

\$ 2,772.00

16. Power of Attorney

- The power of attorney in the prior application is to

Mark L. Bosse	35,071
Max D. Hensley	27,043

- A. The power appears in the original papers in the prior application (copy is enclosed).
- B. Address all future communications to:

**William Schmonsees
Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404**

17. Contingent Petition for Extension of Time

If a paper is untimely filed in the subject application by applicant(s) or her/his/their representative, the Commissioner is hereby petitioned under 37 C.F.R. §1.136(a) for the minimum extension of time required to make said paper timely.

18. Authorization to Charge Additional Fees

- The Commissioner is hereby authorized by this document to charge any additional fees which may be required by this paper and during the entire pendency of this application to Account No. 07-1250, except the issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b).

19. Instructions as to Overpayment

- credit Account No. 07-1250
- refund

Reg. No. 31,796



SIGNATURE OF ATTORNEY

Tel. No.: (650) 522-5525

William Schmonsees

Type or print name of attorney
Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404

Applicants Registration No. 25000
